

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT W. JOHNSON,

Plaintiff,

8:23CV386

vs.

DONALD J. TRUMP, FACEBOOK, META,
RUDY GIULIANI, JOHN EASTMAN, MARK
MEADOWS, KENNETH CHESEBRO,
JEFFREY CLARK, JENNA ELLIS, RAY
SMITHIII, ROBERT CHEELEY, CATHLEEN
LATHAM, SCOTT HALL, STEPHEN LEE,
HARRISON FLOYD, TREVIAN KUTTI,
SIDNEY POWELL, MISTY HAMPTON,
MICHAEL ROMAN, DAVID SHAVER,
SHAWN STILL, VLDIMIR PUTIN,
TWITTER, and META LLC,

Defendants.

MEMORANDUM AND ORDER

Before the Court is a motion for default judgment, [Filing No. 6](#), and a motion seeking appointment of counsel, [Filing No. 7](#), filed by Robert W. Johnson (“Plaintiff”). For the reasons that follow, the case shall be dismissed in its entirety without prejudice and the pending motions shall be dismissed as moot.

On September 6, 2023, this Court issued a Memorandum and Order notifying Plaintiff his first motion to proceed in forma pauperis, [Filing No. 2](#), was deficient because it was unsigned, granting him thirty days to correct the deficiency, and performing an initial review of the complaint. [Filing No. 5](#). Upon initial review this Court found that as pleaded

Plaintiff's Complaint, [Filing No. 1](#), was subject to summary dismissal pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#), but in lieu of dismissal the Court granted Plaintiff 30 days to file an amended complaint or face dismissal of this action in its entirety, [Filing No. 5](#). Specifically, this Court found that “[e]ven with the most liberal construction, Plaintiff's Complaint does not include ‘sufficient facts to support the claims advanced,’ and is, at best, frivolous and nonsensical.” *Id. at 3* (quoting *Stringer v. St. James R-1 School Dist.*, 446 F.3d 799, 802 (8th Cir. 2006)).

Several weeks after the Memorandum and Order instructing Plaintiff to file an amended complaint or his case would be dismissed, Plaintiff filed the motions for default judgment and motions for counsel currently before this Court, [Filing Nos. 6](#) and [7](#), as well as a new motion to proceed in forma pauperis, [Filing No. 8](#). In a Memorandum and Order issued on October 31, 2023, the Court granted the new motion to proceed in forma pauperis and noted the next step in the case would be to perform an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#), when an amended complaint was received.¹ [Filing No. 9](#).

Though Plaintiff was instructed to file an amended complaint over a year ago, he has not file an amended complaint and the deadline to do so has clearly expired. As the only complaint before the Court is Plaintiff's initial complaint, [Filing No. 1](#), which was previously deemed deficient and subject to summary dismissal, [Filing No. 5](#), this case cannot proceed.

¹ Although the thirty-day deadline had passed for filing an amended complaint, in its discretion the Court withheld from addressing the failure to amend in the October 31, 2023, Memorandum and Order based on the recent activity in the case by Plaintiff including the three motions separately filed by Plaintiff into the case the prior month, one of which corrected a separate deficiency.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice as Plaintiff failed to prosecute it diligently and failed to comply with this Court's orders. And because, for the reasons set forth in this Court's September 6, 2023, Memorandum and Order, [Filing No. 5](#), the Complaint, [Filing No. 1](#), is deficient and subject to summary dismissal as frivolous pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#). The Court will enter judgment by a separate document.
2. As the case is dismissed, the motion for default judgment, [Filing No. 6](#), and the motion seeking appointment of counsel, [Filing No. 7](#), are denied as moot.

Dated this 16th day of September, 2024.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Court